IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

No. 4:09-CR-00035-F-1
No. 4:16-CV-00188-F

YADIRA AVILEZ-LOPEZ,

Petitioner,

v.

ORDER

UNITED STATES OF AMERICA,

Respondent.

This matter is before the court on Yadira Avilez-Lopez's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE-40, -45]. Having examined Avilez-Lopez's motion pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing Section 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 motion, within **forty (40)** days of the filing of this order.

Avilez-Lopez asserts a challenge based on *Johnson v. United States*, 135 S. Ct. 2551 (2015). The Office of the Federal Public Defender was appointed to represent Avilez-Lopez, pursuant to Standing Order No. 15-SO-2 (E.D.N.C. Oct. 16, 2015), but has been allowed to withdraw.

SO ORDERED.

This as day of July, 2016.

JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE